

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IMHOTEP JORDAN, JR.,

No. C 11-3348 SBA (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

H. DEAKE,

Defendant.

This action was opened in error when the Court received a document from Plaintiff that was intended to be filed in a previously-filed action -- Case No. C 11-2668 SBA (PR). Plaintiff had only filed a document entitled, "Request for Entry of Default Judgment," which was signed on May 16, 2011, in Case No. C 11-2668 SBA (PR); therefore, he was informed by the Clerk of the Court that his action could not go forward until he filed with the Court a civil rights complaint form and a prisoner's in forma pauperis application. Plaintiff filed a document entitled, "Letter of Notice of Clearical [sic] and Judicial Malfeasance, Misprison [sic], Negative and Positive Misprison [sic], Duplicity, Extortion, Dereliction, Wrongful Conduct, and Corruption Under Color of Authority, Influence and Law," however, he did not indicate that it was to be filed in Case No. C 11-2668 SBA (PR). Therefore, as mentioned above, it was opened as a new action.

Plaintiff currently has two separate civil rights actions pending, although he meant to file only one action. Accordingly, the Clerk is directed to remove Plaintiff's "Letter of Notice of Clearical [sic] and Judicial Malfeasance, Misprison [sic], Negative and Positive Misprison [sic], Duplicity, Extortion, Dereliction, Wrongful Conduct, and Corruption Under Color of Authority, Influence and Law" from this action, to file it in his previously-filed action, Case No. C 11-2668 SBA (PR), and to docket it as Plaintiff's "Letter of Notice of Clearical [sic] and Judicial Malfeasance, Misprison [sic], Negative and Positive Misprison [sic], Duplicity, Extortion, Dereliction, Wrongful Conduct, and Corruption Under Color of Authority, Influence and Law." The Clerk is further directed to mark it as filed on July 7, 2011, the date it was received by the Court.

1 The Court will review the aforementioned document in a separate written Order in Case No. C 11-
2 2668 SBA (PR).

3 The present action is DISMISSED because it was opened in error. No filing fee is due. The
4 Clerk shall close the file.

5 IT IS SO ORDERED.

6 DATED: 7/15/11


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 IMHOTEP JORDAN JR,

5 Plaintiff,

6 v.

7 H DENKE et al,

8 Defendant.

Case Number: CV11-03348 SBA

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on July 19, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Imhotep Jordan C-71742
16 Calipatria State Prison
17 P.O. Box 5002
18 Calipatria, CA 92233

19 Dated: July 19, 2011

20 Richard W. Wieking, Clerk
21 By: LISA R CLARK, Deputy Clerk
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United States District Court

For the Northern District of California